



In the Matter of:

DAVID MARSHALL HIGH,

ARB CASE NO. 98-075

COMPLAINANT,

ALJ CASE NO. 96-CAA-8

v.

DATE: October 2, 1998

LOCKHEED MARTIN ENERGY SYSTEMS, INC.;
LOCKHEED MARTIN CORPORATION;
OAK RIDGE OPERATIONS OFFICE; and
UNITED STATES DEPARTMENT OF ENERGY;

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER

On September 18, 1998, the Board issued an order denying Complainant's sixth request for an extension of time to file his initial brief in this case.^{1/} Our order noted that Complainant has had five and one-half months in which to prepare and file his brief. The order authorized Complaint five additional days from the date of the order's receipt in which to file his initial brief.

By letter of September 23, 1998, Complainant has moved that the Board vacate the September 18 order and grant an additional extension of time, citing counsel's medical problems (arthritis) and local weather conditions (significant rain over a two-month period, and potential arrival of a hurricane several days in the future^{2/}).

^{1/} The Board previously had issued orders extending the briefing schedule on March 31, 1998; May 6, 1998; June 9, 1998; June 18, 1998; and September 1, 1998.

^{2/} Although the Atlantic coast of Florida where counsel lives briefly was the subject of a hurricane watch, hurricane Georges entered the Gulf of Mexico and did not cause serious disruption to counsel's community.

We deny Complainant's motion. The Board has given Complainant an extraordinary amount of time to present his initial brief, and warned Complainant in our September 1, 1998 order that additional requests for extensions of time probably would be denied. Although the Board is not unsympathetic to counsel's medical problems, we find this claim to be insufficient justification for vacating our prior order and granting yet additional time for the filing of Complainant's initial brief.

SO ORDERED.

PAUL GREENBERG

Member

CYNTHIA L. ATTWOOD

Acting Member